

**DEPARTMENT OF INSURANCE, FINANCIAL  
INSTITUTIONS AND PROFESSIONAL REGISTRATION**

P.O. Box 690, Jefferson City, Mo. 65102-0690

**In the Matter of:**

**DARREL M. HARRIS,**

**Respondent.**

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**Case No. 11-0110032C**

**CONSENT ORDER**

John M. Huff, Director of the Department of Insurance, Financial Institutions and Professional Registration takes up the above matter for consideration and disposition. The Consumer Affairs Division, through legal counsel Carolyn H. Kerr, and Darrel M. Harris, have reached a settlement in this matter and have consented to the issuance of this Consent Order.

1. John M. Huff is the duly appointed Director of the Missouri Department of Insurance, Financial Institutions and Professional Registration ("Director" of the "Department") whose duties, pursuant to Chapters 374 and 375, RSMo,<sup>1</sup> include the supervision, regulation and discipline of insurance producers and business entity producers.

2. The Consumer Affairs Division ("Division") has the duty of conducting investigations into the acts of insurance producers under the insurance laws of this state and is

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<sup>1</sup> All statutory references are to the 2010 Supplement to the Revised Statutes of Missouri unless otherwise noted.

authorized by the Director to investigate and to recommend enforcement action for violations of the insurance laws of this state.

3. On or about July 21, 2010, Harris submitted a Uniform Application for Non-Residence Individual Insurance Producer License ("Application") to the Department.

4. In the section of the Application headed "Background Information," Question # 1 asks: "Have you ever been convicted of a crime, had a judgment withheld or deferred, or are you currently charged with committing a crime?" Harris answered "Yes."

5. With his Application, Harris submitted a letter explaining his previous misdemeanor convictions and a copy of his Criminal History Record from Douglas County, Nebraska ("Criminal History Record") showing seven misdemeanor convictions over almost 20 years and the disposition of each conviction.

6. The following three convictions, as listed on the Criminal History Record, constitute crimes of moral turpitude:

- a. August 15, 1986 – "Theft by Shoplifting Under \$100 – Jail, Jail in lieu;"
- b. March 24, 2000 – "Assault and Battery – Jail, Probation officer;" and
- c. December 21, 2001 – Assault, 3<sup>rd</sup> degree – Confined – Jail."

7. On or about March 27, 2000, Harris was charged in a City Complaint alleging that Harris committed the violation of "Assault and Battery." Harris entered a plea of "No Contest" and was found guilty. The court placed Harris on supervised probation for 12 months. *State v. Darrel M. Harris*, Douglas County Court, No. CR00-8586.

8. On or about December 21, 2001, Harris was charged with the Class I misdemeanor violation of "Assault in the Third Degree." Harris entered a plea of "No Contest" and was found guilty. The court sentenced Harris to 90 days incarceration in the Nebraska Department of

Corrections and revoked his driver's license a period of several months. *State of Nebraska v. Darrel M. Harris*, Douglas County Court, No. CR 01: 38527.

9. In the section of the Application headed "Background Information," Question # 7 asks: "Do you have a child support obligation in arrearage?", and Question # 7A asks "by how many months are you in arrearage?" Harris answered "Yes" to Background Question #7 and indicated that his arrearage totaled three months of child support.

10. As of January 31, 2011, Harris owes an arrearage balance of \$447.30 in child support, in accordance with a judgment dated March 9, 2005, entered in *Harris v. Harris*, Court Case ID No. 980409 (CCID No. CC2CJA7KSEYT4).

11. Harris is not currently in violation of any court or administrative order of child support.

12. Harris acknowledges and understands that under § 375.141.1(6) the Director may refuse to issue his insurance producer license for Harris having been convicted of a felony or crime involving moral turpitude.

13. On or about March 25, 2011, counsel for the Consumer Affairs Division sent documentation to Harris which described the specific conduct for which discipline was sought and citation to the law and rules allegedly violated, along with documents which were the basis thereof. Harris was advised that Harris had 60 days to review the investigation report and consider the proposed settlement offer.

14. Harris acknowledges and understands that he has the right to consult counsel at his own expense.

15. Harris acknowledges and understands that he has been advised that he may, either at the time the settlement agreement is signed by all parties, or within 15 days thereafter,

submit the agreement to the Administrative Hearing Commission for determination that the facts agreed to by the parties to the settlement constitute grounds for disciplining Harris's license.

16. Except as provided in paragraph 15, above, Harris stipulates and agrees to waive any rights that he may have to a hearing before the Administrative Hearing Commission or the Director and any rights to seek judicial review or other challenge or contest of the terms and conditions of this Consent Order and forever releases and holds harmless the Department, the Director and his agents, and the Consumer Affairs Division from all liability and claims arising out of, pertaining to, or relating to this matter.

17. Each signatory to this Consent Order certifies by signing that he or she is fully authorized, in his or her own capacity, or by the named party he or she represents, to accept the terms and provisions of this Consent Order in their entirety, and agrees, in his or her personal or representational capacity, to be bound by the terms of this Consent Order.

#### **Conclusions of Law**

18. The actions admitted by Harris are grounds to refuse his Missouri insurance producer license pursuant to §§ 375.141.1(6).

19. The Director may impose orders in the public interest under § 374.046.

20. The terms set forth in this Consent Order are an appropriate disposition of this matter and entry of this Consent Order is in the public interest.

#### **Settlement Terms**

IT IS ORDERED that the Department will issue an insurance producer license to Darrel M. Harris, subject to the conditions set forth herein;

IT IS ORDERED that Darrel M. Harris shall report to the Department of Insurance, Financial Institutions and Professional Registration any arrest, citation, guilty plea, nolo

contendere plea, finding of guilt or conviction concerning a felony or crime of moral turpitude, within five business days of such arrest, citation, plea or finding.

IT IS FURTHER ORDERED that Darrel M. Harris shall maintain full compliance with all child support obligations as required by all court and administrative orders, including, but not limited to *Harris v. Harris*, Court Case ID No. 980409 (CCID No. CC2CJA7KSEYT4), March 9, 2005.

IT IS FURTHER ORDERED and Darrel M. Harris acknowledges and agrees that if at any time he fails to timely make any child support payment required by any court or administrative body, then Harris will be deemed to have failed to satisfy the conditions of this Consent Order and shall be grounds for discipline of his insurance producer license pursuant to §375.141.1(13).

IT IS FURTHER ORDERED that Darrel M. Harris shall report to the Department any administrative action taken against Harris in another jurisdiction or by another governmental agency in this state within five business days after he receives notification of the initiation of such administrative action;

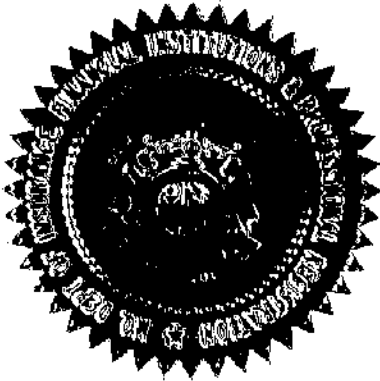
IT IS FURTHER ORDERED AND AGREED that Darrel M. Harris, by signing this Consent Order, authorizes the Department to obtain from the Nebraska Department of Health and Human Services, Child Support Enforcement Unit, records of Harris' payment history showing compliance or non-compliance with his child support obligations. Harris agrees that he intends his signature below as a release of such records to the Department.

IT IS FURTHER ORDERED that for ten years subsequent to the date of this executed Consent Order, Darrel M. Harris will voluntarily surrender his license to the Department within

30 days of Harris' entry of a guilty plea, nolo contendere plea, finding of guilt, or conviction for a felony or crime of moral turpitude;

IT IS FURTHER ORDERED that the Director may pursue additional legal remedies, as necessary and without limitation, as authorized by Chapters 374 and 375, RSMo.

SO ORDERED, SIGNED AND OFFICIAL SEAL AFFIXED THIS 18<sup>th</sup> DAY OF APRIL, 2011.



JOHN M. HUFF  
Director, Missouri Department of Insurance,  
Financial Institutions and Professional  
Registration

**CONSENT AND WAIVER OF HEARING**

The undersigned persons understand and acknowledge that Darrel M. Harris has the right to a hearing, but that Darrel M. Harris has waived the hearing and consented to the issuance of this Consent Order.

Darrel M. Harris

Darrel M. Harris  
5636 N. 105<sup>th</sup> Plaza, Apt. 12  
Omaha, NE 68134-1220  
Respondent

4-13-11

Date

\_\_\_\_\_  
Counsel for Respondent

Name: \_\_\_\_\_

Missouri Bar No. \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_  
Telephone: \_\_\_\_\_

\_\_\_\_\_  
Date

Carolyn H. Kerr

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4-15-11

Date